

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL CASE NO. 07-20202

v.

MELVIN ROBERT MOSLEY, JR.,

Defendant.

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

ORDER ACCEPTING REPORT AND RECOMMENDATION

After former counsel for Defendant, Mr. Thomas O. Mix, Jr., failed to appear for trial on behalf of his client, the Court issued an order to show cause requiring Mr. Mix to appear on January 23, 2008 before the Court and to demonstrate good cause for his failure to appear for trial. The order warned Mr. Mix that failure to appear at the January 23 hearing could result in Mr. Mix being held in contempt of court. The order to show cause was referred to United States Magistrate Judge Michael J. Hluchaniuk. Mr. Mix failed to appear as ordered before the Magistrate Judge on January 23, 2008. The Magistrate Judge then issued a Report and Recommendation, which is now before the Court. The Report and Recommendation was electronically filed and mailed by United States Postal Service to Mr. Mix, notifying all parties to the case that any objections to the Report and Recommendation must be filed within ten days of service. To date, no objections to the Report and Recommendation have been filed.

The Court's standard of review for a Magistrate Judge's Report and Recommendation depends upon whether a party files objections. If a party does not object to the Report and Recommendation, the Court does not need to conduct a review by any standard. *See Lardie v.*

Birkett, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Since there are no objections to the Report and Recommendation, the Court will adopt the Magistrate Judge’s Report and Recommendation as the opinion of the Court.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation [docket entry #13] is **ACCEPTED and ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that the Court finds Mr. Thomas O. Mix, Jr. in contempt of court.

IT IS FURTHER ORDERED that Mr. Thomas O. Mix, Jr. is required to appear before this Court at 600 Church Street in Flint, Michigan, on March 24, 2008 at 3:00 p.m., for a hearing on the appropriate sanctions for the contempt.

IT IS FURTHER ORDERED that the United States Marshals Service is directed to personally serve Mr. Thomas O. Mix, Jr. with this order.

SO ORDERED.

Dated: February 27, 2008

s/Paul V. Gadola

HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on February 27, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Robert W. Haviland,
and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: _____.

s/Ruth A. Brissaud

Ruth A. Brissaud, Case Manager
(810) 341-7845